

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CAROL S VAUGHN, et al., in her  
representative capacity as Personal  
Representative of the ESTATE OF  
MICHAEL COHEN,

Plaintiff  
Counter Defendant  
Third Party Defendant  
Cross Defendant,

v.

LOREN COHEN, et al.,

Defendants  
Counter Plaintiffs

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WILLIAM NEWCOMER,

Plaintiff  
Counter Defendant,

v.

LOREN COHEN, et al.,

Defendants  
Counter Plaintiffs  
Third Party Plaintiffs,

v.

Case No. 3:23-cv-06142-TMC

ORDER DENYING MOTION TO  
CONTINUE TRIAL AND RELATED  
DEADLINES

AMARA COHEN, individually, and SUSAN COHEN, Trustee of the Michael Arthur Cohen Spousal Equivalent Access Trust, CAROL VAUGHN, individually, and in her representative capacity as Personal Representative of the ESTATE OF MICHAEL COHEN, UNITED STATES OF AMERICA (DEPARTMENT OF INTERNAL REVENUE), and BR NEWCOMER, LLC

Third Party Defendants  
Counter Defendants  
Counter Plaintiffs.

## I. ORDER

Before the Court is Carol Vaughn's motion to continue trial and related deadlines in this complex, multi-party dispute arising from the Estate of Michael Cohen. Dkt. 115. Ms. Vaughn, the personal representative of the Estate, brings this motion seeking a 90-day trial extension and an amended scheduling order. *See id.* at 2. Loren Cohen<sup>1</sup> opposes the motion (Dkt. 128) and no other party has filed a response. For the reasons explained below, the Court DENIES the motion.

Vaughn moved for a continuance on December 12, 2024, 11 days before the dispositive motions deadline and one day before the discovery cutoff. *See* Dkt. 115; Dkt. 16; Dkt. 79. After receiving the motion, the Court reminded the parties that under Local Civil Rule 7(j), a motion for relief from a deadline should, whenever possible, be filed sufficiently in advance of the deadline to allow the Court to rule on the motion prior to the deadline. *See* Dkt. 117. Vaughn and Loren then filed timely motions for summary judgment while this motion was pending. *See* Dkt. 124, 142.

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<sup>1</sup> As with its prior orders in this case, to avoid confusion, the Court refers to members of the Cohen family by their first names.

1 A case schedule “may be modified only for good cause and with the judge’s consent.”  
2 Fed. R. Civ. P. 16(b)(4). Under this district’s Local Civil Rules, “[m]ere failure to complete  
3 discovery within the time allowed does not constitute good cause for an extension or  
4 continuance.” Local Civ. R. 16(b)(6). In exercising its discretion to continue trial, the Court  
5 considers the following factors: (1) the requesting party’s diligence in preparing its defense;  
6 (2) the need for a continuance; (3) the inconvenience granting the continuance would cause to  
7 the Court, the opposing parties, and witnesses; and (4) the hardship the requesting party would  
8 experience if denied a continuance. *United States v. 2.61 Acres of Land, More or Less, Situated*  
9 *in Mariposa Cnty., State of Cal.*, 791 F.2d 666, 671 (9th Cir. 1985).

10 Here, the Court finds these factors do not support a continuance of trial or the related  
11 deadlines. First, Vaughn has not been diligent in conducting the outstanding discovery or in  
12 seeking a continuance. In March 2024, the Court set the trial date as April 21, 2025, as requested  
13 by all parties in their Joint Status Report. *See* Dkt. 15; Dkt. 16. Six days before the deadline for  
14 expert disclosures, Vaughn moved for a 60-day extension of the expert disclosure and discovery  
15 deadlines. *See* Dkt. 68. Because the undersigned judge typically requires 120 days between the  
16 dispositive motions deadline and the trial date, the Court granted Vaughn’s motion only in part,  
17 extending expert deadlines by 30 days, the discovery deadline by 21 days, and leaving all other  
18 deadlines in place. Dkt. 79 at 3. The Court cautioned the parties: “Should the parties instead  
19 prefer a trial continuance, they should meet and confer and submit a stipulated motion proposing  
20 alternative trial dates. The Court expects the parties to work cooperatively to schedule their  
21 remaining depositions within the time allowed.” *Id.*

22 Despite this extension, Vaughn now argues that she has not been able to complete all  
23 discovery by the December 13, 2024 deadline. Dkt. 115 at 3. In addition to two depositions  
24 scheduled for December 18, 2024, Vaughn says she intends to depose four additional witnesses.

1 See Dkt. 116 at 2–3. But Vaughn has not attempted to schedule depositions for two of the four  
2 witnesses before filing this motion. See Dkt. 129 at 2. Even though Vaughn could have requested  
3 a continuance well in advance of the deadlines, she has not been diligent in pursuing one. See  
4 *Zivkovic v. S. California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (“If the party seeking  
5 the modification ‘was not diligent, the inquiry should end’ and the motion to modify should not  
6 be granted.”) (internal citation omitted).

7 Second, Vaughn has not demonstrated a need for a continuance or that proceeding to trial  
8 will cause a significant hardship. Vaughn argues that responding to discovery requests from  
9 Loren Cohen and PC Collections and working on several contested motions the past three  
10 months have taken time away from properly completing discovery and preparing dispositive  
11 motions. Dkt. 115 at 4. Additionally, Vaughn asserts that if a continuance is denied, she will not  
12 have sufficient time for the case to be tried on its merits. Dkt. 154 at 7. But again, Vaughn has  
13 long been aware of the deadlines, and discovery and motions practice (at least some of which  
14 was necessitated by Vaughn’s own strategic choices when amending her complaint) is a typical  
15 part of litigation. Vaughn has prepared and filed her motion for summary judgment, and the  
16 Court granted the parties a seven-day extension for their response briefs. Dkt. 161. Finally,  
17 because some of the other parties settled their claims at mediation (*see* Dkt. 174), the case will be  
18 simplified somewhat as the remaining parties prepare for trial.


19 Third, granting a trial continuance would be of great inconvenience to other parties and  
20 the Court. Loren “vehemently opposes a trial continuance” and asserts he has “dedicated  
21 significant time and resources to meet each of the deadlines set by the Court and . . . has done  
22 everything in his power to avoid extending the schedule and delaying the trial.” Dkt. 128 at 2.  
23 Rescheduling the trial date and related deadlines would also cause logistical challenges for the  
24 Court. Absent any unforeseen emergency proceedings, this case has a hard-set trial date of April

1 21, 2025. The Court has reviewed the 2025 trial calendar and cannot guarantee another date to  
2 accommodate a 10-day bench trial for the rest of the year. Postponing the trial beyond that point  
3 would be a significant and prejudicial delay. The Court has set aside 10 days of its time to hear  
4 from the parties and other witnesses, weigh their credibility, and resolve the many disputed  
5 issues in this sad and complicated case. The trial will proceed as scheduled.

6 **II. CONCLUSION**

7 For the foregoing reasons, the Court DENIES Vaughn's motion to continue the trial and  
8 amend the case scheduling order (Dkt. 115).

9 Dated this 13th day of January, 2025.

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12 Tiffany M. Cartwright  
13 United States District Judge  
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